Sunset Public Hearing Questions for
Information Systems Council
Created by Section 4-3-5501, *Tennessee Code Annotated*
(Sunset termination June 2019)

1. Provide a brief introduction to the council, including information about its purpose, statutory duties and staff.

   Introduction
   The Information Systems Council (ISC) was established by law in May, 1994 when the *Tennessee Code Annotated* was amended to enact the organization, membership, and duties of the Information Systems Council. Prior to this, Governor McWherter established the ISC by Executive Order Number 18. The concept of the Council was first initiated by Governor Dunn, when he issued Executive Order Number 18 on January 20, 1972, and similar Executive Orders were issued by each succeeding Governor.

   Purpose
   The purpose of the ISC is to provide strategic oversight and develop policies for managing information technology for the state of Tennessee.

   Statutory Duties
   The duties and responsibilities of the information systems council as established in *Tennessee Code Annotated* 4-3-5502 include the following:
   (1) Developing policy guidelines for the overall management of the state's information systems, which shall include, but not be limited to, the following:
     (A) Appropriate hardware and software for the State's Data Center;

     (B) Appropriate security and disaster recovery policies and procedures for the State's information systems environment;

     (C) The most appropriate and cost effective use of departmental computer systems, which shall, for the purpose of this policy, include the appropriate use and integration of microcomputers and minicomputers into the state's information management system;
     (D) The most appropriate and cost effective telecommunication policies;
     (E) Establishment of guidelines for the acquisition of both hardware and software;
     (F) Making recommendations to the governor and general assembly regarding amendments to the purchasing laws that would be helpful in establishing and operating information systems; and
     (G) Establishment of effective long-range planning for the state's information management system; and
   (2) To periodically review the overall effectiveness and efficiency with which the state's information systems network is managed. Such review shall be conducted where appropriate on a department by department basis and shall be for the purpose of identifying weaknesses in the current system as well as opportunities for improvements in each department's information system. Such reports as may be issued pursuant to this review shall be transmitted to the appropriate agency head, the governor and the speakers of the senate and house of representatives. Such a review shall include, but not be limited to:
     (A) The adequacy of systems development planning and implementation;
     (B) Opportunities for increased efficiency through either a reduction of the long run current operating costs for various programs of state government, or the opportunity to provide increased services through more effective use of management information systems, or both; and
     (C) The most appropriate and cost effective hardware and software.

   Staff

   Strategic Technology Solutions (STS) serves as staff to the ISC.

2. Provide a list of council members. For each member indicate the appointing authority and how that member's presence complies with Section 4-3-5501(b)(1)(A)-(M), *Tennessee Code Annotated*. In addition, please note which persons are voting members of the council.

Based upon Section 4-3-5501, Tennessee Code Annotated, the current members of the ISC are listed below, with an * symbol indicating the voting members.

MEMBERS BY OFFICE – Appointed by Statute:
***Commissioner Larry Martin, Chair,** Department of Finance & Administration*

***Commissioner Bob Oglesby,** Department of General Services*

***Mr. Justin Wilson,** Comptroller of the Treasury*

LEGISLATURE:
***Mr. Vinay Dattu, Vice-Chair,** Office of Legislative Information Services*

SENATORS – Appointed by the Lieutenant Governor:
***Senator Bo Watson,** District 11*

***Senator Mike Bell,** District 9*

***Senator Jeff Yarbro,** District 21*

REPRESENTATIVES – Appointed by the Speaker of the House:
***Representative Steve McDaniel,** District 72*

***Representative Eddie Smith,** District 13*

***Representative Patsy Hazelwood,** District 27*

SUPREME COURT DESIGNEEE:
***Deborah Taylor Tate,** Office of the Supreme Court*

PRIVATE SECTOR – Appointed by the Governor:
***Don Enfinger,** Metro Nashville*

***Jason Gunnoe,** Bridgestone Americas*

TENNESSEE PUBLIC UTILITY COMMISSION DESIGNEE:
***Lisa Cooper,** Tennessee Public Utility Commission*
TCA 4-3-5501(a)(b)(1)(J) specifies that there shall be one commissioner of the Tennessee public utility commission or designee, to be appointed by the chair of the commission, who shall be a member whenever the council considers statewide telecommunication issues or other matters relating directly to areas over which the commission has responsibility.

NON-VOTING MEMBERS - Appointed by Statute:
Heather King, *State Employee IT Professional Association Chair*

Hugh Hale, *State Employee with IT experience (Division of TennCare)*

3. Are there any vacancies on the council? If yes, please provide any additional relevant information. What is being done to fill those vacancies?

    There are no vacancies at this time.

4. How many times did the council meet in the last two fiscal years? How many members were present at each meeting? Please note any meetings where the council did not have a quorum.

    The council met on the following dates over the past two years:

    - June 22nd, 2016   11 Members Present
    - September 14th, 2016   09 Members Present
    - December 14th, 2016   10 Members Present
    - January 11th, 2017   10 Members Present
    - March 15th, 2017   13 Members Present
    - May 23rd, 2017   12 Members Present
    - July 27th, 2017   13 Members Present
    - December 12th, 2017   13 Members Present
    - January 10th, 2018   15 Members Present
    - March 15th, 2018   12 Members Present
    - May 23rd, 2018   08 Members Present (no quorum, not enough voting members)
    - July 27th, 2018   08 Members Present (no quorum, not enough voting members)

    There must be eight voting members present to constitute a quorum.

5. What per diem or travel reimbursement do members receive? How much was paid to council members in the last two fiscal years?

    ISC members are statutorily eligible to receive reimbursements for travel, however, over the past two years no members have requested reimbursement to ISC staff's knowledge. No members are paid.

6. What were the council's revenues and expenditures for the last two fiscal years?

    Revenues – N/A

    Expenditures – After the last ISC sunset review, staff were asked to facilitate better scheduling for members to increase the attendance and quorums. In order to accommodate schedules, meetings were scheduled over lunch time and lunches were provided to members, ISC staff, and invited guest speakers. The cost of the food did not exceed $12 per lunch. Lunches were purchased by Department of Finance & Administration. Receipts are on file and can be made available upon request.

7. Is the council subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the council have for informing the public of its meetings and making its minutes available to the public? How do the provisions of Section 4-3-5509, *Tennessee Code Annotated*, affect how the council operates under the requirements of the Sunshine law?

    Yes, the Council is subject to Sunshine law requirements. Notices of scheduled meetings are posted online at TN.gov public calendar meeting, where the public has access and are distributed via email to anyone who has requested notification of meetings. The minutes are formally approved at each following meeting, and are made available to the public on TN.gov once they are approved by the ISC. They can be accessed online at: https://www.tn.gov/finance/strategic-technology-solutions/strategic-technology-solutions/information-systems-council-meeting-archive.html. The meetings are attended by many IT vendors and members of the public.

The provisions of Section 4-3-5509, *Tennessee Code Annotated*, which were enacted in 2005, allow the ISC to consider confidential security issues only in a session that is closed to the public. The ISC is committed to functioning under the Sunshine Law; therefore the meeting frequency was increased from quarterly to bi-monthly in order to ensure reserved time for confidential security audit reviews by the Division of State Audit without reducing overall public access. Typically, meetings rotate between public and closed – with each closed meeting having a public portion prior to official closing to the public. It is the intent of the Council to keep closed sessions to a minimum, and the closed meetings only take place when there are necessary confidential audit findings for ISC members to review.

8. What policies does the council have in place to address potential conflicts of interest by committee members, staff, and employees?

    The ISC has not established any specific policies to address this issue. We do not anticipate a need for a policy given the responsibilities of the ISC.

9. What reports does the council prepare on its operations, activities, and accomplishments, and who receives those reports? If available, please attach copies of recent reports.

    The ISC is not statutorily required to produce reports. However, the minutes from ISC meetings are available to the public online at https://www.tn.gov/finance/strategic-technology-solutions/strategic-technology-solutions/information-systems-council-meeting-archive.html.

10. Does the council have the authority to promulgate rules? If not, is rulemaking authority needed? If rules have been promulgated, please cite the reference.

    The ISC statute does not contain authority to promulgate rules. Instead, the ISC is a policy-making body. For instance, § 4-3-5502 lists the duties and responsibilities of the ISC to include developing policy guidelines for the overall management of the state's information systems and periodically reviewing the management of the state's information system's overall effectiveness and efficiency; § 4-3-5504 directs the ISC to establish policy under which the state procures telecommunications, computer or computer-related equipment or services; and §§ 4-3-5505—4-3-5504 authorize the ISC to establish certain programs under existing policies and procedures.

11. Please outline the policy guidelines developed for the overall management of the state's information systems, including those specified in Section 4-3-5502(1), *Tennessee Code Annotated*. How often are policies reviewed to ensure they are applicable given changes in information technology? How often has the council made recommendations to the Governor and the General Assembly regarding any needed amendments to the purchasing laws as they relate to information technology?

    Current ISC policies are:
    - Policy 1.00: Data Security – *Revised 3/10/2016*
    - Policy 2.00: Reserved for Future Use*
    - Policy 3.00: Reserved for Future Use*
    - Policy 4.00: Reserved for Future Use*
    - Policy 5.00: Information Systems Management & System Development Life Cycle
    - Policy 6.00: Architecture – *Revised 3/15/2018*
    - Policy 7.00: Information Systems Planning
    - Policy 8.00: Reserved for Future Use*
    - Policy 9.00: Disaster Recovery
    - Policy 10.00: Data Resource Management
    - Policy 11.00: Reserved for Future Use*
    - ISC Policy 12.00: Open Access to Electronic Information
    - ISC Policy 13.00: Network infrastructure Support and Maintenance – *Revised 12/13/17*
    - ISC Policy 14.00: Electronic and Digital Signatures

Policy Development Process:

As staff to the ISC, STS has the responsibility to continually review policies as technology changes, and when appropriate presents recommendations to the ISC for review and approval.

Recommendations to Governor and General Assembly:
We are not aware of any recommendations at this time.

12. Describe the council's process for reviewing the overall efficiency and effectiveness with which the state's information systems network is managed, as required in Section 4-3-5502(2), *Tennessee Code Annotated*. Who performs the reviews? How often are reviews performed? What types of issues are covered in the reviews? Are written reports prepared and transmitted to the appropriate agency head, the Governor, and the Speakers of the Senate and House of Representatives?

The ISC monitors the efficiency and effectiveness of the management of the state's information systems network using several mechanisms, including monitoring the status of large executive branch system development projects, monitoring the status of IT-related audit findings identified by the Comptroller of the Treasury, and developing policy guidelines for the overall management of the state's information systems. Specific tasks for monitoring projects statuses include:

- Agency project management staff submits monthly project updates containing project status and financial information. Prior to each ISC meeting, STS staff review agency status/financial reports for major system developments to ensure that reports are accurate and updated.

- STS staff presents these reports to ISC members prior to ISC meetings for review for major system developments and Department business and IT sponsors are in attendance at ISC meetings to answer questions from ISC members about their projects.

- The reports contain the following types of information:
  - Need for project
  - Project benefits
  - Strategic benefit and strategic business alignment
  - Contract information
  - Status trends (red/yellow/green indicators)
    - Overall status and explanation
    - Cost status and explanation
    - Risk status and explanation
    - Schedule status and explanation
    - Scope status and explanation
  - Key accomplishments for the period
  - Planned activities for the next period
  - Project spending to date

13. When establishing policies under which the state procures telecommunications, computer, or computer-related equipment or services, how does the council ensure that it has selected the purchasing method that will produce the lowest and best overall costs to the state? Describe the factors the council considers.

The ISC has no direct role in procurement. State procurements from the executive branch are dictated by the policies and procedures of the executive branch, specifically the Central Procurement Office (CPO) within the Department of General Services. Oversight of executive branch procurement is provided by the Tennessee Comptroller of the Treasury and the General Assembly's Fiscal Review Committee (FRC). The role of the ISC has changed over time with regard to IT procurement due to the centralization of

procurement functions within CPO and the oversight mechanisms established through the Procurement Commission and FRC.

14. Section 4-3-5508, *Tennessee Code Annotated*, refers to council functions that are enumerated in Sections 47-10-117 through 47-10-120, *Tennessee Code Annotated*, referred to as the Uniform Electronic Transactions Act. To the extent possible, please describe actions taken or policies implemented by the council to address these functions.

    The ISC adopted Policy 14, Electronic and Digital Signatures, to delegate the review and approval of electronic signature requests to STS. Requests to use electronic and digital signatures are made in Department's Information Systems Plans and are reviewed through the standard planning process. The Information Systems Planning Guidelines includes information about this review.

15. Describe any items related to the council that require legislative attention and your proposed legislative changes.

    There are no proposed legislative changes at this time.

16. Should the council be continued? To what extent and in what ways would the absence of the council endanger the public health, safety or welfare of Tennessee citizens?

    Technology has become central to all aspects of service delivery in state government; it is difficult to find a service that does not have a technology component attached. The ISC provides critical oversight of the efficiency and effectiveness of large executive branch system development projects. In addition to direct oversight of critical IT projects and expenditures, the council governs the overarching policies that determine and guide the use of technology in the state and provides the Comptroller's office support to enforce the resolution of audit findings related to IT security. The Information Systems Council plays a critical role and should be continued.